

HyMark Motorsports, Inc.

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Office of the United States Trade Representative
Attn: William L. Busis
Chair, Section 301 Committee

December 5, 2008

RE: Docket #USTR-2008-0036

Dear Mr. Busis

I am writing you today regarding a matter of extreme importance to the members of the Off-Road Business Association (ORBA), the proposed import tariffs on European motorcycles between 51cc and 250cc (HTS 8711.2000) and 251cc to 500cc (HTS 8711.3000) in displacement. ORBA is a national non-profit trade association that represents OEM motorcycle manufacturers, aftermarket part and accessory manufacturers and distributors, and local retail dealers of these products.

We urge you to reject the [proposed 100% tariff on the above two product categories, as it would have disastrous unintended consequences that would devastate hundreds of local retail businesses and put thousands of American workers out of work. The proposed product categories are primarily off-highway oriented motorcycles produced by companies including KTM Sportmotorcycles, Husqvarna, Aprilia, Beta, Gas-Gas, and BMW. Typically, these are premium quality motorcycles and are typically sold by small to medium size dealers that often are single brand shops or European brand specialists. As an example, here in my local area, there are two motorcycle shops, Motosports and Moto Tech, that only sell motorcycles in the two targeted product categories. These stores, as most in this category, have been in business for decades and have extremely loyal customers who prefer these brand motorcycles. KTM in particular enjoys a significant market share in what is commonly known as the "Enduro" motorcycle category and is an industry leader in certain model categories. KTM produces a very wide range of specialized models that their Asian competitors have failed to address. Many of these European brands are also at the cutting edge of "Clean" technologies and have led the entire industry towards more environmentally friendly products.

While we understand the need to devise strategies to ensure American products such as beef are allowed to be exported to European Union countries and compete fairly, it is unfair to Americans to wipe out hundreds of businesses and thousands of jobs in a totally unrelated product category. It is especially ironic that there are NO American companies of consequence producing competing motorcycles in these two product categories. The off-highway motorcycle industry is already struggling today due to the current economic crisis. A 100% tariff on these products would be a fatal knock-out blow that would be totally unfair to American businessmen, their employees, and their loyal customers. Please do NOT add to the economic crisis by bankrupting innocent American businessmen and putting thousands of their employees out of work.

Respectfully,



Clyde J. Thompson, President